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R.
4/10/07

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P. (S)No. 5731/2007

PETITIONER Shailesh Kumar Baghel, aged about 34 years, son of Shri S.S.Baghel, working as Ranger Officer, Forest Range- Lamni, Kewchi, District Bilaspur(CG) R/o Forest Village Lamni, PO Kewachi District Bilaspur(CG)

Versus

RESPONDENTS

1. State of Chhattisgarh, Through the Secretary, Department of Forest, Dau Kalyan Singh Bhawan, Raipur (Chhattisgarh)
2. The Awar Sachiv, Department of Forest, Dau Kalyan Singh Bhawan, Raipur(CG)
3. Chief Conservator of Forest, Department of Forest, Bilaspur(CG)
4. Divisional Forest Officer, Department of Forest, Forest Division, Bilaspur(CG)
5. S.D. Mishra, (father's name not known to the petitioner) Range Officer, Forest Division Korga, District Korba(CG)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUION OF INDIA

Appearance:

Shri P.S.Koshy, Counsel for the petitioner.
Ms. Sunita Jain, Panel Lawyer for the State on advance copy.
Shri M.K.Sinha, Advocate appears on behalf of Shri B.D. Guru, counsel for Caveator/respondent No.5. (He has filed the Caveat Petition)

ORAL ORDER
(1.10.2007)

SUNIL KUMAR SINHA, J.

Heard on admission.

The petitioner, who is working on the post of a Range Officer, has been transferred from Lamni, Forest Division-Bilaspur to Katghora, Forest Division Katghora.

Learned counsel for the petitioner submits that since the petitioner has taken action against illegal transportation of mining products against a few influential persons, on their instance, the transfer has been affected.

I have heard learned counsel for the petitioner and have also perused the document filed along with the writ petition.

Admittedly, the transfer is an exigency of service and nobody posted/working on a transferable post can claim for his posting at a particular place. It is for the employer to see as to who should be posted at which place. Unless the order of transfer is shown to be vitiated by malafides or passed on extraneous considerations or it is issued against any statutory Rule or Act, it cannot be interfered by a Court of law, is the settled view of the Apex Court.

After going through the document Annexure P-2, it does not appear that on this ground alone, the petitioner has been transferred from his present place of posting to some other place. A perusal of Annexure P-2 would show that it is a complaint made by the Range Officer against 2 persons i.e. Dilip Kedia and Sonu Kedia that they had denied to accept the notice of a forest offence and they have also abused the petitioner and have threatened him. The compliant itself shows that on an earlier occasion, some case was registered against those persons and the alleged incident took place while the notices were being served on the said persons. Merely, on the basis of such report made by the petitioner to the D.F.O., Bilaspur, it cannot be presumed that on account of such action, the transfer of the petitioner has been affected. It appears from the contents of Annexure P-1 that the transfer order has been issued on the name of the Governor by the State and such small things would not make the Government to affect the transfer order of the petitioner.

The arguments raised by learned counsel for the petitioner cannot be accepted.

Apart from this, it was pointedly asked from learned counsel for the petitioner that since when the petitioner is posted at the present place of posting, he submits that the petitioner is posted there since September, 2004.

I view of the above; I do not find any substance in this petition worth admission. The petition has no merits. The same is dismissed at the motion stage itself.

Sd/-
Sunil Kumar Sinha
Judge

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